

to a person skilled in the art as at the priority date. This distinction will be further borne out by detailed comments, as provided below. Reconsideration and further examination of the application in the light of the present amendments and remarks is respectfully requested.

The applicant respectfully submits proposed amendments to claims 16, which comprise features of:

- the lower housing being interconnected to the upper housing by a hinge whereby the upper housing having a closed orientation, a fully open orientation and a locked intermediate orientation;
- the upper housing being positionable from the locked intermediate orientation only upon activation of a hinge locking mechanism that is carried by the hinge; and
- the lower housing receives a removable full length drip tray that collects drippings from both the lower cooking surface and the upper cooking surface when the device is in the fully open orientation.

The applicant respectfully submits that *Chen* discloses an electric roaster, in which a lower housing and upper housing are hingedly interconnected. However, in reference to the features of original Claim 20, and as incorporated into claim 16 of the presently proposed claim set, *Chen* does not suggest a locked intermediate orientation. As such, *Chen* is also silent on the upper housing being positionable from the locked intermediate orientation only upon activation of a hinge locking mechanism.

The applicant respectfully submits that the cited prior art is silent in regard to the feature of a lower housing and an upper housing having a *locked intermediate orientation*. The applicant further submits that the cited prior art therefore fails to suggest the upper housing being positionable from the locked intermediate orientation *only upon activation of a hinge locking mechanism*.

The applicant respectfully asserts that a locked intermediate orientation, as defined by a hinge locking mechanism, enables the device to be selectively operated as either a sandwich

press or a grill, and restricts the upper housing from inappropriately falling toward the fully open 'grill' orientation when the device is temporarily selected for operation as a sandwich press.

Further, *Chen* discloses an electric roaster having a drip tray located to one side of the device. *Chen* fails to teach a removable full length drip tray, or a drip tray that is removable from the lower housing by sliding it out a front of the lower housing.

The applicant respectfully submits that Claim 16 (as amended) defines the invention as requiring the drip tray to be removable from the lower housing by sliding it out a *front of the lower housing*, which in the context of the claim requires the hinge to be *located about the rear of the lower housing*.

The applicant respectfully submits that, by configuring the device to enable removal of a drip tray from the front of the device, this further provides a beneficial result whereby this device in a kitchen environment can be placed side-by-side other devices while still enabling access to the drip tray for cleaning purposes.

Therefore, the Applicant submits that *Chen* teaches a device having a drip tray that is removed from the side of the device, thereby requiring additional space for its removal.

On a related matter, further rejections were raised on the basis that the Examiner concluded a claimed invention would have been obvious in the light of *Chen* in view of *Li* (United States Patent No. 7,301,128).

The Applicant submits that (as discussed in more detail below) *Li* also does not teach or suggest: a drip tray removable from the front of the device, a lower housing and upper housing being hingedly interconnected and having a locked intermediate orientation, or an arrangement whereby an upper housing being positionable from the locked intermediate orientation only upon activation of a hinge locking mechanism.

Therefore, the Applicant submits that *Chen* and *Li*, while showing a device having a hingedly interconnected lower housing with a lower cooking surface and upper housing with an upper cooking surface, do not suggest (in combination):

- the upper housing having a closed orientation, a fully open orientation and a locked intermediate orientation;
- the upper housing being positionable from the locked intermediate orientation only upon activation of a hinge locking mechanism that is carried by the hinge;
- the lower housing receives a removable full length drip tray that collects drippings from both the lower cooking surface and the upper cooking surface when the device is in a the fully open orientation; and
- the drip tray is removable from the lower housing by sliding it out a front of the lower housing;

- as expressed in the proposed amended independent claim 16.

The Applicant therefore respectfully asserts that there is a clear distinction between the present invention, as claimed in the amended claims, and the teaching of the cited art. It is further asserted that these distinctions provide a material effect to the working of the disclosed embodiment and therefore non-obvious.

Accordingly it is respectfully requested that the pending rejection to the independent claim 16 be withdrawn for at least the forgoing reasons. Similarly, the rejections to the dependent claims are also requested to be withdrawn based on their dependency from an allowable independent claim.

CLAIM REJECTION – 35 USC §103

The Examiner has raised a rejection against claim 28 and 29, concluding that the claimed invention would be obvious in the light of by *Chen* (United States Patent No. 6,433,312) in view of *Li* (United States Patent No. 7,301,128).

The Applicant respectfully accepts that, as recognized be the Examiner in the Office Action at page 3, *Chen* does not disclose a thermostat. While *Li* does refer to a thermostat, it is understood that this is used in reference to using a *fixed thermostat* control device electrically connected to each heating element. The Applicant respectfully submits that this

is in contract to claim 28, which requires that “the lower cooking surface temperature is controlled by a variable thermostat and an upper cooking surface temperature is controlled by a fixed thermostat”. *Li* does teach such a use of a variable thermostat and a fixed thermostat as claimed in claim 28.

The Applicant respectfully submits that, as disclosed in paragraphs [0073] through [0077], this combination of using a variable thermostat and a fixed thermostat facilitates operation of the device as both a sandwich press and as a grill, each having different operating temperatures. In an embodiment, this combination can therefore have a material effect to the working of the device.

The Applicant respectfully submits that the proposed amendments to independent claim 16 (notably incorporating the features of previously presented claim 20) further distinguish the invention of claims 28 and 29.

The Applicant respectfully submits that neither *Chen* nor *Li* provide teaching, suggestion or motivation directed toward a device as claimed in any claim. It is further respectfully submitted that the scope and content of the prior art is empty as to the features of the claimed invention, when consideration is made of any level of ordinary skill in the prior art. It is further submitted that the objective reach of the claim does not extend into what would have been obvious in the light of the cited art. In particular, no explicit evidence is identified for motivating combining of cited references.

The Applicant respectfully submits that, in the light of the forgoing reasons, there is a clear distinction between the present invention as claimed and the teaching of *Chen* and *Li*. It is further asserted that these distinctions provide a material effect to the working of the disclosed embodiment and therefore non-obvious.

Accordingly, reconsideration and further examination of the application is respectfully requested in the light of the present remarks.

CLOSING COMMENTS

As noted above, the Applicant respectfully asserts that there is a clear physical and functional distinction between the present inventions as claimed in the proposed claims and the teaching of the cited art. It is further asserted that these distinctions provide a material effect to the working of the disclosed embodiment and therefore non-obvious.

Accordingly it is respectfully requested that the pending rejections to the independent claim 16 be withdrawn for at least the forgoing reasons. Similarly, the rejections to the dependent claims are also requested to be withdrawn based on their dependency from an allowable independent claim.

Please charge any deficiency in the fees due to our Deposit Account No. 503458 in the name of Molins & Co.

Regards,



Michael Molins
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MM/rm